

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2010-13670
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 29, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on April 29, 2010. Claimant appeared at the hearing and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department of Human Services ("Department") correct in closing Claimant's FIP benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of Family Independence Program ("FIP") benefits.

2. A redetermination telephone interview notice was sent to Claimant on October 14, 2010, with a 1:00 pm, November 2, 2009, appointment time.
3. Claimant called the Department on the afternoon of November 2, 2009, and spoke to her worker.
4. A notice of missed interview was sent to Claimant on November 2, 2009.
5. Claimant contacted her case worker after she received the notice of missed interview.
6. On December 1, 2009, Claimant's FIP benefits closed.
7. Claimant reapplied for FIP benefits in January of 2010 and currently receives FIP benefits.
8. Claimant requested a hearing on November 19, 2009, contesting the closure of FIP benefits.

CONCLUSIONS OF LAW

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human services ("DHS" or "Department") administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children ("ADC") program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM") and the Program Reference manual ("PRM").

FIP provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work-eligible

individual (“WEI”) in the FIP group to participate in the Jobs, Education and Training (“JET”) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency-related activities to increase their employability and obtain stable employment. BEM 230A.

Clients must cooperate with the local Department office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the Department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, Claimant credibly testified that she called her worker and her worker’s supervisor on the afternoon her redetermination interview was scheduled. Claimant further testified that she contacted her worker after receiving the notice of missed interview. Claimant’s worker was not available to testify and the Department presented no evidence refuting Claimant’s testimony. This Administrative Law Judge finds that Claimant was cooperative and, therefore, closure of Claimant’s FIP benefits was not warranted and improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was not correct in the closure of Claimant's FIP benefits, and it is ORDERED that the Department's decision is hereby REVERSED and benefits shall be reinstated as of the date of closure. Any missed benefits shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 12, 2010

Date Mailed: May 12, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/pf

cc:

